would be of no avail to plaintiff in this action, because it would apply as well to the question of time of death as to the time of filing the petition, and would thus raise the presumption that both occurred simultaneously at the first instant of the day, and that, in order that the action might be maintained, it would be necessary that it be instituted before death and not simultaneously with the death of plaintiff.

Extraterritorial Operation of Bigamy Statute.—A statute of North Carolina provides for the punishment of any person for a second marriage during the existence of a prior one, whether the second shall have taken place within the state or elsewhere, and authorizes trial and conviction in any county where the offender shall be apprehended the same as if the offense had been actually committed in that county. The validity of this law is successfully assailed in State *v.* Ray, 66 Southeastern Reporter, 204, in an opinion by the North Carolina Supreme Court, on the ground that it was an attempt to create a crime beyond the borders of the state, and without the territorial operation of its laws, when applied to a second marriage taking place outside the state. The fact that the parties might come back into North Carolina and reside there after the second marriage makes no difference, as the statute contains no provisions for punishment for the offense of living together after the invalid marriage, but merely for the marriage itself.

Percolating Water Rights.—The city of East Orange acquired a large tract of land, and at great expense drilled numerous artesian wells thereon for the purpose of supplying its inhabitants with water. Plaintiff, a milkman and owner of a nearby farm, suffered heavy loss by reason of the wells drawing out percolating underground water, which but for its interception would have reached his spring, stream, and well, and nourished his crops. In Meeker *v.* City of East Orange, 74 Atlantic Reporter, 379, the Court of Errors and Appeals of New Jersey reversed the two lower court judgments, and upheld plaintiff's claim for damages. It rejected the English rule giving the landowner an absolute property in all water found percolating in his soil, to do with it as he pleased, and adhered to the doctrine of reasonable user. This doctrine does not prevent the proper user by a landowner of the percolating waters subjacent to his soil in agriculture, manufacturing, irrigation, or otherwise; nor does it prevent any reasonable development of his land by mining or the like, although the underground water of neighboring proprietors may thus be interfered with or diverted; but it does prevent the withdrawal of underground waters for distribution or sale for uses not connected with any beneficial ownership or enjoyment of the land whence they are taken if the owner of adjacent or neighboring

land is interfered with in his right to the reasonable user of subsurface water upon his land, or if his wells, springs, or streams are thereby materially diminished in flow, or his land is rendered so arid as to be less valuable for agriculture, pasturage, or other legitimate uses. This in accord with Miller *v.* Black Rock Springs, 99 Va. 924.

Prohibiting Automobiles on Particular Thoroughfares.—The right of an automobile owner to use all highways free from restraints not imposed on the use of other vehicles is claimed by defendant in State *v.* Mayo, 75 Atlantic Reporter, 295. In 1903 the Legislature of Maine passed an act authorizing the town of Eden to close certain streets and drives against automobiles, and an ordinance to that effect was subsequently enacted. Its validity was attacked on numerous constitutional grounds, but the Supreme Court of Maine, following a decision of the Supreme Court of Massachusetts in Commonwealth *v.* Kingsbury, 199 Mass. 542, 85 N. E. 848, 127 Am. St. Rep. 513, held it a valid regulation.

Use of the Mails Cannot Be Prohibited by States.—The Georgia statute provides that no person shall sell or solicit, personally or by agent, the sale of intoxicating liquors. Defendant, a nonresident company doing business in Tennessee, mailed a circular letter from that state to a resident of Georgia, advertising liquors for sale. A criminal accusation was filed against defendant, but the Supreme Court of Georgia in the case of R. M. Rose Co. *v.* State, 65 Southeastern Reporter, 770, holds that a state has no power to prohibit or render penal the use of the mails between the states to effectuate the importation of liquor, since importation from one state to another cannot be prohibited by the latter, and it has not been prohibited by the federal government. The sending of the letter was not a step in consummating a crime, but merely a means of carrying on a business lawful in the state where located. A state can exercise its police power to the limits of its domain, but it cannot go beyond, and police citizens of other states.

Power of Probate Courts to Grant Probate of Original Foreign Wills.—Two wills were executed by testator, a resident of England. One, known as the "English will," related solely to property in England; the other, known as the "American will," related solely to property situated in Kansas. The question in Thompson *v.* Parnell, 105 Pacific Reporter, 502, was whether the probate court of Kansas had jurisdiction to admit to probate the original "American will." Defendants contended that the Kansas statutes providing only for the allowance and admission to record of an authenticated copy of a will duly probated in any state or county other that the United States was a limitation on the jurisdiction of the probate court, preventing it from granting original probate to a foreign will. The Supreme Court